REMARKS

The Office Action dated August 27, 2004, has been received and carefully considered. In this response, claim 13 and the specification have been amended. Entry of the amendment to claim 13 and the specification is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

I. THE OBJECTION TO THE DRAWINGS

On page 2 of the Office Action, the drawings were objected to under 37 CFR §1.84(p)(5) because they include reference signs not mentioned in the description: ref. 144 (see Fig. 5 and page 17, line 7 through page 18, line 10). The drawings were also objected to as failing to comply with 37 CFR §1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: ref. 200 (see page 11, line 27) and ref. 140 (see page 17, line 7).

Applicants have corrected the specification to: (1) properly reference 142 rather than 144, and (2) properly reference 142, rather than 140. Applicants respectfully submit, however, that "200 OK" is not referencing a reference sign, but rather a message commonly known as a 200 OK message.

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Accordingly, Applicant respectfully submits that correction is not required.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the drawings be withdrawn.

II. REQUEST TO UPDATE THE SPECIFICATION

On page 2 of the Office Action, the Examiner requested that the Applicant update the application information seen on page 1, lines 9-19 in order to reflect any changes in the status if the application. Applicants have amended the specification to recite the patent numbers of the referenced applications.

III. THE OBJECTION TO CLAIM 13

On page 2 of the Office Action, claim 13 was objected to because of the following informality: "receiving a call initiation request via a first interface to a network-enabled telephone device" should be "receiving a call initiation request, via a first interface to a network-enabled telephone device." While Applicant disagrees with this objection, Applicant has nonetheless amended claim 13 as suggested, but respectfully submits that the amendment does not affect the scope of the claimed step.

In view of the foregoing, it is respectfully requested that the aforementioned objection to claim 13 be withdrawn.

IV. THE ANTICIPATION REJECTION OF CLAIMS 1, 6-9, 11-13, 18-21, 23 AND 24

On page 3 of the Office Action, claims 1, 6-9, 11-13, 18-21, 23 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Thornton et al. (U.S. Patent No. 6,363,065). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id.. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id..

The Thornton reference was filed on November 10, 1999. Thus, the Thornton reference has an effective filing date of November 10, 1999.

Applicants respectfully submit that the invention disclosed and claimed in the present application was conceived prior to November 10, 1999. Applicants also respectfully submit that they were duly diligent in preparing and filing the present application from the date of conception of the invention disclosed and claimed in the present application to the filing date of the present application (i.e., September 29, 2000). Applicants support the above-stated submissions with inventor declarations under 37 C.F.R. § 1.131, which are submitted herewith, and which contain a showing of facts that clearly establish the above-stated submissions. Accordingly, the Thornton reference is not a proper prior art reference for application against the claims of the present application.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 6-9, 11-13, 18-21, 23 and 24 be withdrawn.

V.   THE OBVIOUSNESS REJECTION OF CLAIMS 2-5, 10, 14-17 AND 22

On page 4 of the Office Action, claims 2 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton in view of Donovan (U.S. Patent No. 6,366,577). On

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page 5 of the Office Action, claims 3, 4, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton in view of Official Notice. On page 6 of the Office Action, claims 5 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton in view of Okada (U.S. Patent No. 6,463,134). On page 7 of the Office Action, claims 10 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton in view of Kuthyar (U.S. Patent No. 5,768,513). These rejections are hereby respectfully traversed.

Applicants respectfully submit that the pending obviousness rejections are overcome by the remarks set forth above in connection with the anticipation rejection.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 2-5, 10, 14-17 and 22 be withdrawn.

VI. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the
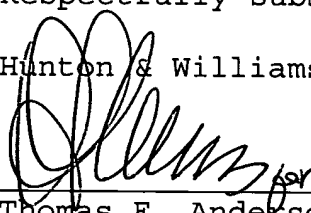
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present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By: _____ for 43,606

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Date: December 27, 2004

APPENDIX A

Please replace the paragraph on Page 1, lines 9-19 with the following paragraph:

The subject matter of this application is related to the subject matter of U.S. Patent Application Serial Nos. 09/188,297, now U.S. Patent No. 6,389,029, entitled "Local Area Network Incorporating Universal Serial Bus Protocol" filed November 10, 1998; Serial No. 09/439,501, now U.S. Patent No. 6,697,372, entitled "Local Area Network Accessory for Integrating USB Communications in Existing Networks" filed November 12, 1999; Serial No. 09/386,215, now U.S. Patent No. 6,721,332, entitled "USB Networking on a Multiple Access Transmission Medium" filed August 31, 1999, each of which applications is assigned or under obligation of assignment to the same entity as this application, and each of which is incorporated by reference.

Please replace the paragraph starting on Page 17, line 24 and ending on Page 18, line 10, with the following paragraph:

The invention in this embodiment may incorporate a WML rendering module 144 to access WML content. The WML language allows hyperlinks to be embedded in the display, such that choosing a hyperlink typically causes the driver software in the host computer 106 to fetch a new WML document at a new URL

associated with the hyperlink (useful for instance in navigating a large directory). However, the WML language also has the facility for specifying a phone number as the hyperlink action - in this case, if the user chose that hyperlink the driver software may establish a telephone call to the specified phone number.

Please replace the paragraph starting on Page 16, line 20 and ending on Page 17, line 8, with the following paragraph:

When a user is away from host computer 106, a cordless phone with a connection through to the Internet can provide significant value over and above traditional cordless phones that operate into the PSTN. For instance, a USB phone 602 with an LCD or other display with appropriate keypad can deliver WAP Internet services for a user when he or she has no convenient access to host computer 106. In an embodiment, the driver software in the host computer 106 may use HTTP request/responses (including Get and Post) to get access to Wireless Markup Language (WML) documents on the Internet for presentation to the user on the handset, using HTTP protocol stack 142 and other resources. WML documents are the HTML equivalents for handheld browser phones.

APPENDIX B

1 (Original). A system for adaptively placing a call via one of a plurality of transmission modes, comprising:

a first interface to a network-enabled telephone device;

a second interface to at least one communications link; and

a host, communicating with the first interface and the second interface, the host selectively initiating a call from the network-enabled telephone device as at least one of a telephone call and a data connection via the at least one communications link according to at least one transmission criterion.

2 (Original). The system of claim 1, wherein the network-enabled telephone device comprises a SIP-enabled telephone device.

3 (Original). The system of claim 1, wherein the first interface comprises a USB connection.

4 (Original) . The system of claim 1, wherein the first interface comprises a wireless interface.

5 (Original). The system of claim 4, wherein the host comprises a Wireless Markup Language module.

6 (Original). The system of claim 1, wherein the host comprises a computer.

7 (Original). The system of claim 1, wherein the at least

one transmission criterion comprises at least one of cost, time of day, day of week, user-defined routing data, packet delay and signal to noise ratio.

8 (Original). The system of claim 1, wherein the call comprises a telephone call and the at least one communications link comprises the public switched telephone network.

9 (Original). The system of claim 1, wherein the call comprises a data connection and the at least one communications link comprises the Internet.

10 (Original). The system of claim 1, further comprising a media management module, the media management module executing at least one of a cordless telephone operation, an answering machine operation, a pager operation, an intercom operation, and an audio/visual operation via the network-enabled telephone device.

11 (Original). The system of claim 1, wherein the host selectively retries at least a data connection to reassess transmission conditions.

12 (Original). The system of claim 1, wherein the at least one communications link comprises a plurality of communications links, and the host selectively activates one of the communications links according to the at least one transmission criterion.

13 (**Currently Amended**). A method for adaptively placing a call via one of a plurality of transmission modes, comprising:

a) receiving a call initiation request, via a first interface to a network-enabled telephone device; and

b) selectively initiating a call from the network-enabled telephone device as at least one of a telephone call and a data connection via at least one communications link according to at least one transmission criterion.

14 (Original). The method of claim 13, wherein the network-enabled telephone device comprises a SIP-enabled telephone device.

15 (Original). The method of claim 13, wherein the first interface comprises a USB connection.

16 (Original). The method of claim 13, wherein the first interface comprises a wireless connection.

17 (Original). The method of claim 16, further comprising a step of c) executing a Wireless Markup Language module.

18 (Original). The method of claim 13, wherein the step b) of selectively initiating is executed by a host computer.

19 (Original). The method of claim 13, wherein the at least one transmission criterion comprises at least one of cost, time of day, day of week, user-defined routing data, packet delay and signal to noise ratio.

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20 (Original). The method of claim 13, wherein the call comprises a telephone call and the at least one communications link comprises the public switched telephone network.

21 (Original). The method of claim 13, wherein the call comprises a data connection and the at least one communications link comprises the Internet.

22 (Original). The method of claim 13, further comprising a step of d) executing at least one of a cordless telephone operation, an answering machine operation, a pager operation, an intercom operation, and an audio/visual operation via the network-enabled telephone device.

23 (Original). The method of claim 13, further comprising a step of e) selectively retrying at least a data connection to reassess transmission conditions.

24 (Original). The method of claim 13, wherein the at least one communications link comprises a plurality of communications links, further comprising a step of f) selectively activating one of the communications links according to the at least one transmission criterion.